



STAFF REPORT

TO: Environment & Planning Committee

FROM: David Lewis, Co-ordinator-Regulatory Services

REFERENCE: B956

SUBJECT: **AMENDMENT TO THE TASMAN DISTRICT COUNCIL CONSOLIDATED BYLAW – CHAPTER 3 – CONTROL OF LIQUOR IN PUBLIC PLACES – REPORT EP07/08/04** -Report prepared for 1 August 2007 Meeting

1. BACKGROUND

The Control of Liquor in Public Places Bylaw is enforced by the Police and at present applies to specified public places in Richmond, Motueka, Kaiteriteri, Takaka and Pohara. The Police believe that the enforcement of this Bylaw has been instrumental in reducing the antisocial behaviour that was being experienced in these areas with a resultant reduction in vandalism and other crimes against property.

The Motueka Police have now requested that, in view of problems being experienced in the Mapua area, the Bylaw be extended to cover this area. It has also been requested that the stipulated “Specified Periods” for the existing areas where the Bylaw is operative be standardised with the liquor ban applying to every day of the year rather than with the existing rather confusing application to different days of the week and different times of the year.

2. COMMENT

Concern was initially expressed that the enforcement of this Bylaw could result in restrictions on family groups from having a picnic evening meal at various public locations without the accompaniment of some alcoholic refreshments but these concerns have not been realised. It was stated quite plainly at the time of adoption of this Bylaw that the intent was not to restrict such activities and was solely aimed at the reduction of antisocial behaviour and the policing since then has proven this intent and is expected to continue.

The Local Government Act 2002 requires that Bylaws be reviewed every five years. As this particular Bylaw only came into effect on 1 August 2004, a review is therefore not required for a further two years. However, it may be that the Committee (in view of the other changes proposed) uses this opportunity to review the Bylaw and so negate the need for a review in two years time.

There are cost factors involved in effecting the proposed amendments (apart from the administrative costs, including a potential public hearing) and these would include the provision of the required new signage in the Mapua area and potential replacement of the existing signage in the other controlled areas (if the "Specified Periods" is altered). Such costs have not been budgeted for but could probably be covered within the existing budget.

3. CONCLUSION

The concerns of the Police as to the need to extend this Bylaw's operation to the Mapua area are supported as the implementation of the Bylaw has been effective in other areas. It is also agreed that the existing "Specified Periods" need standardising to avoid confusion and the best way to do this is to have the Bylaw operative for every day of the year. In view of the history of the operation of this Bylaw such an amendment would not particularly disadvantage any law-abiding person.

If there is to be amendment to the "Specified Periods" then the potential for public submissions is far greater through the required Special Consultative Procedures under the Local Government Act 2002. In this case it could therefore be worthwhile enacting a review to the Bylaw rather than just an amendment.

4. RECOMMENDATION

1. That the Tasman District Council Consolidated Bylaw Chapter 3 - Control of Liquor in Public Places be reviewed and as part of the review procedure, the following amendments be promulgated:

i) That the definition of "Specified Period" as contained in Section 2 (Interpretation) be repealed and the following definition be substituted.

Specified Period means from 1 January until the 31 December inclusive every year.

ii) That Schedule A to the Bylaw be amended by adding the area of Mapua to the list of Public Places as follows:

5. Mapua (Map 6)

The public places located in the areas encompassed by State Highway 60 from McKee's Bluff, Stafford Drive, Aranui Road and Tahi Street and the coastline as well as Aranui Park, Grossi Point and between Langford Drive and Tahi Street.

2. That public comment be called for on the proposed Resolution 1. in terms of the Special Consultative Procedures under Section 83 of the Local Government Act 2002 and that any submissions received be considered at a future meeting of Council.

D R Lewis
Co-ordinator-Regulatory Services